

1 HEATHER E. WILLIAMS, #122664  
2 Federal Defender  
3 ERIC V. KERSTEN, #226429  
4 Assistant Federal Defender  
5 Designated Counsel for Service  
6 2300 Tulare Street, Suite 330  
7 Fresno, CA 93721  
8 Telephone: (559) 487-5561  
9 Fax: (559) 487-5950

10 Attorney for Defendant  
11 JOEY CARDIEL

12 IN THE UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Case No. 1:22-CR-00041-NODJ-BAM

16 Plaintiff,

17 STIPULATION TO CONTINUE  
18 STATUS CONFERENCE; AND ORDER

19 v.

20 JOEY CARDIEL,

21 Date: April 15, 2024

22 Time: 11:00 a.m.

23 Judge: TBD

24 Defendant.

25 IT IS HEREBY STIPULATED by and between the parties, through their respective  
26 counsel, Antonio J. Pataca, Assistant United States Attorney, counsel for plaintiff, and Eric V.  
27 Kersten, Assistant Federal Defender, counsel for defendant Joey Cardiel, that the status  
28 conference scheduled for January 10, 2024 may be vacated and a motions hearing set for April  
15, 2024. Because anticipated hearings include possible motions to dismiss the case on  
constitutional grounds, and to suppress evidence it is requested that the hearing be set in district  
court.

The requested filing dates are February 19, 2024 for the filing of defense motions; March  
18, 2024 for the filing of any opposition; and April 1, 2024 for the filing of any reply.

The parties agree the delay resulting from this continuance shall be excluded under the  
Speedy Trial Act in the interests of justice, including but not limited to, the need for the period of  
time set forth herein for effective defense preparation, defense investigation and plea

1 negotiations; and for the filing and ruling on any motion pursuant to 18 U.S.C. §§  
2 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

3

4 Respectfully submitted,

5

PHILLIP A. TALBERT  
6 United States Attorney

7 DATED: January 3, 2024

/s/ Antonio J. Pataca  
ANTONIO J. PATACA  
8 Assistant United States Attorney  
Attorney for Plaintiff

9

10

HEATHER E. WILLIAMS  
Federal Defender

11

12 DATED: January 3, 2024

/s/ Eric V. Kersten  
ERIC V. KERSTEN  
13 Assistant Federal Defender  
Attorney for Defendant  
JOEY CARDIEL

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## **ORDER**

2           **IT IS SO ORDERED.** The January 10, 2024 status conference is vacated and motion  
3 briefing schedule is set as follows: the motion is to be filed by February 19, 2024; opposition to  
4 be filed by March 18, 2024; and reply is due April 1, 2024. A hearing on the motions is set for  
5 **April 15, 2024 at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time through  
6 the motions hearing and any ruling thereon shall be excluded for effective defense preparation  
7 and for the filing and ruling on any motion pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
8 3161(h)(1)(H), 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Because this continuance is being granted  
9 at Defendant's request and the Court finds that the ends of justice served by taking such action  
10 outweigh the best interest of the public and the defendant in a speedy trial.

11 IT IS SO ORDERED.

Dated: **January 3, 2024**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE